



New South Wales

Criminal Procedure Amendment (Local Court Process Reforms) Act 2007 No 34

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New South Wales

Criminal Procedure Amendment (Local Court Process Reforms) Act 2007 No 34

Act No 34, 2007

An Act to amend the *Criminal Procedure Act 1986* in relation to the service of briefs of evidence by prosecutors; and for other purposes. [Assented to 4 July 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Criminal Procedure Amendment (Local Court Process Reforms) Act 2007*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Criminal Procedure Act 1986 No 209

The *Criminal Procedure Act 1986* is amended as set out in Schedule 1.

4 Amendment of Criminal Procedure Regulation 2005

The *Criminal Procedure Regulation 2005* is amended as set out in Schedule 2.

5 Repeal of Act

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Criminal Procedure Act 1986

(Section 3)

[1] Section 183 Brief of evidence to be served on accused person where not guilty plea

Insert “, unless the regulations otherwise provide,” after “The brief of evidence is” in section 183 (2).

[2] Section 265 Criminal record to be given to person charged (Table 1 offences)

Omit section 265 (2)–(4). Insert instead:

- (2) The prosecutor is to serve, or cause to be served, on a person charged with an indictable offence listed in Table 1 to Schedule 1 a copy of the person’s criminal record (if any) known to the prosecutor, within the time fixed by the Local Court. The time so fixed must be before the time fixed by the Court for the making of an election in respect of the offence.
- (3) Without limiting the powers of a Local Court to adjourn proceedings, the Local Court is to grant such adjournments as appear to be just and reasonable if a criminal record is not served in accordance with this section, and the Court is to extend accordingly the time fixed for the making of an election in respect of the offence.

[3] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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[4] Schedule 2

Insert at the end of the Schedule with appropriate Part and clause number:

Part Provisions consequent on enactment of Criminal Procedure Amendment (Local Court Process Reforms) Act 2007

Pending proceedings

The amendment made to section 265 by the *Criminal Procedure Amendment (Local Court Process Reforms) Act 2007* does not extend to proceedings commenced before the commencement of

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Schedule 1 Amendment of Criminal Procedure Act 1986

the amendment and such proceedings may continue as if that amendment had not been enacted.

Schedule 2 Amendment of Criminal Procedure Regulation 2005

(Section 4)

Clause 24

Omit the clause. Insert instead:

24 Offences for which briefs of evidence not required

- (1) For the purposes of section 187 (5) of the Act, the following proceedings are prescribed as proceedings of a kind in which a prosecutor is not required to serve a brief of evidence:
 - (a) proceedings for an offence for which a penalty notice may be issued (other than an offence that is set out in Schedule 2 and that is not referred to below),
 - (b) proceedings for an offence under section 4 of the *Summary Offences Act 1988*,
 - (c) proceedings for an offence under section 9 or 12 of the *Road Transport (Safety and Traffic Management) Act 1999*,
 - (d) proceedings for a summary offence for which there is a monetary penalty only.
- (2) Subclause (1) has effect in relation to proceedings referred to in subclause (1) (b), (c) or (d) only if the proceedings are commenced on or after the commencement of this subclause and before the end of the period of 12 months after the commencement of this subclause.

[Agreement in principle speech made in Legislative Assembly on 6 June 2007
Second reading speech made in Legislative Council on 28 June 2007]

BY AUTHORITY